



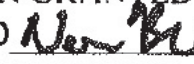
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August 9, 2021

File No. 37986.4139

**VIA ECF**

The Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 518  
New York, New York 10007

APPLICATION GRANTED  
SO ORDERED   
VERNON S. BRODERICK  
U.S.D.J. 8/11/2021

Re: *Rubio v. BSDB Management Inc. et al*  
Civil Case No. 1:19-cv-11880-VSB

Dear Judge Broderick:

We represent Defendants BSDB Management Inc., Marvin Neiman, and Dov Lebovic in the above-referenced matter. We write to seek an extension of time to submit the revised settlement agreement and *Cheeks* fairness application in the above-referenced matter, from August 9 to August 18, 2021.

On July 9, 2021, the Court entered an Order dated July 8, 2021 denying approval of the parties' proposed settlement agreement without prejudice as the Court found that the release provision in the proposed settlement agreement did not meet the standards for approval established by courts in this district. The Court then directed the parties to file, within 30 days of the Court's order, a revised proposed settlement agreement or file a joint letter that either requests an extension of time or indicate the parties' intention to abandon settlement (Dkt. No. 55).

The parties jointly request an extension of time to submit their revised settlement agreement and *Cheeks* fairness application. The parties have finalized the terms of the revised settlement agreement and are working towards revising the *Cheeks* fairness application. Specifically, the parties are working together to revise the *Cheeks* fairness application and the extra time will assist us in presenting the most complete *Cheeks* fairness application to the Court. This is the parties' first request for an extension of time to submit the revised settlement approval application.

We thank the Court for its time and attention to this matter.

The Honorable Vernon S. Broderick

August 9, 2021

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Respectfully,

/s/ Adam E. Collyer

Adam E. Collyer of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

cc: Counsel for Plaintiff (via ECF)